

**September 29, 2005 Minutes of
Bigfork Land Use Advisory Committee**

Members present: Tim Calaway, Jack Paulson, Phil Hanson, Clarice Ryan

Chairman Ryan called the meeting to order at 4:05 PM. Minutes of the previous meeting were approved as mailed.

Item 1: Application pulled.

Item 2: A request by Marina Cay Estates LLC for a zoning variance to the building height on the property located in the Bigfork B-3 Zoning District, 600 Grand Drive.

Staff: Applicant is requesting a variance of eight feet to compensate for the grade and aesthetics of the proposed condominium.

Applicant, represented by David Mitchell, CTA Engineering, noted the 10-plex units would be within limits from the street level. The area includes a gable in the design that stands higher than the 35-foot limit.

Public Comment:

John Lang – asked if other buildings in Bigfork exceed the 35-foot limit. His concern is setting a precedent, which would tend to lose control if others ask for the same treatment.

Pat Wagner – Understands that the height restrictions are due to fire code restrictions. She objects to approving a variance.

Denise Lang – Provided a letter from Woody Nedom who objects to setting a precedent.

Joe Cassetta – Objects on the basis that this opens up problems in the future for more requests for height variance.

Applicant: Suggested that it is possible to flatten the roof in this instance but felt it would be much less attractive. He believes the structure would enhance Bigfork.

Staff: Has a letter on file from the Bigfork Fire Department stating that the variance would not cause problems with fire protection and gave an approval of the design.

Committee:

Tim Calaway – stated that the only building he was aware of that might be higher than the code requirements was the theatre and that was due to the grade at the back of the property. He commented that construction in this area often has problems with grade because of the steep construction sites. Calaway made the motion that the application be accepted as presented. No second was given.

Jack Paulson – the site plan shows boat docks connected to the development and asked if they had applied for permits. Applicant stated that the docks were long established and would not need to be built. Paulson then seconded the motion.

Tim Calaway – offered that in the light of setting precedent, the committee would look at future applications one by one and determine the value or potential harm of the application.

Phil Hanson – Believe too many variances have been granted in the past. We have to be very careful about this.

Clarice Ryan – Do not think this is extreme and the buildings are in keeping with the character of Bigfork.

Chairman Ryan called for the vote. Motion passed unanimously. The Board of Adjustment will hear this application on Tuesday, 6:00 PM, October 4, 2005, at the Earl Bennett Building, Kalispell.

Item 3: A request by Regal Partnership for a Conditional Use Permit to allow for the construction of a condominium village consisting of three buildings, a clubhouse, and a pool in the Bigfork B-3 Zoning District. The property is located at 600 Grand Drive.

Staff: Applicant plans to build two 6-plexes and one 10-plex totaling 22 units and 44 parking spaces. The application is less than originally requested.

Applicant: David Mitchell, CTA Engineering, noted a request to review condition #10 in the staff report, which would allow for a 15-foot easement along Grand Drive for a future bike path. He told the committee that this would restrict the landscaping, noting there was already a sidewalk and no bike path easements existed either west or east of this property.

Public Comment:

George Darrow – would support a pedestrian/bikeway easement. He noted that the advisory board for the Hwy 35 project between Woods Bay and Icebox Canyon approved bike paths along the length of the project. It is important Bigfork be connected to these bike paths.

Sally Janover – Traffic is busy in this area and school buses use the area across from the Marina Cay property. She questioned the impact on utilities, especially water and sewer. She questioned how she would access her driveway east of the property.

Fred Sterhan – Believes that traffic will have less density than that generated by the Catholic Church and is mostly seasonal so that traffic from the complex would be less in the winter months during school sessions. Closing down one entry onto Grand Avenue and using the present divided entry of the Marina Cay would slow traffic down eliminate one access.

Corine Stark – Asked where the school was in relation to the project. She also supported the easement for the bike path.

Florence Wight – Supported sidewalks and asked if there would be a stop sign at the exits.

Joe Cassetta – Noted that there is no school on Saturday and Sunday when the Catholic Church traffic was present and did not affect weekday traffic. He also questioned the assertion that all the units would be seasonal.

Applicant: The access is improved with one less entry to Grand Avenue and stop signs and cross walks will be included in the project. He assured Sally Janover that she would have adequate and easier access to her property. The location of the school property was indicated on the site drawings. He stated that there would be no adverse impact on the water and sewer services. The Bigfork Water and Sewer District had approved the project.

Committee:

Tim Calaway – Felt this was a win for the community. This plan is a better deal with less density than earlier planned. He suggested that the applicant plan for a bike path around the landscaping, noting that it did not need to be a straight line across the easement.

Phil Hanson – Wants to see the bike path easement established.

Jack Paulson – Looks like a well planned development but thinks it is the wrong place for a bike path.

Would recommend the exit on the east side entering Grand Avenue be both a left and right turn so exiting traffic is not all directed to downtown Bigfork.

Tim Calaway made the motion that the application be accepted as presented. Jack Paulson seconded the motion. Motion passed unanimously. The Board of Adjustment will hear this application on Tuesday, 6:00 PM, October 4, 2005, at the Earl Bennett Building, Kalispell.

Item 4: A request by RDR, LLC for a Conditional Use Permit to allow for the construction of six condominiums and a detached accessory structure to the primary structure (pavilion) on Lot 1 of the Amended Plat of Harbor Springs Recreational, in the Bigfork, B-3 Zoning District. Property is located at 100 Parkway Avenue.

Applicant: Reto Barrington, developer. Barrington provided a drawing of the site plan and explained that Bigfork Marina had occupied the property. He is seeking no variances. There will be a one-way drive through the complex with parking for two vehicles under each unit. This changes the use from commercial to residential.

Public Comment:

Walter Stark – He represents the Northshore Harbor Homeowners Association. He would like confirmation of parking and asked where people would park who are using only the boat slips. He asked whether there would be boat trailer and boat equipment parking in the complex. He pointed out that

Parkway Avenue is a narrow and dangerous roadway to enter the property. He would like assurance that parking would not spill over onto private property.

Sally Janover – Concerned about traffic congestion at the corner of the Holt/Hwy 35 intersection.

Gary Simmons – Concerned about construction methods and asked if construction equipment and materials will spill over onto private property. Will the developer be willing to take care of damages if that occurs?

Lee Wight – Does not believe Parkway Avenue belongs to Flathead County. Concerned that traffic to the complex will be using Beach Road. He is concerned about the height of the building. He asked about the number of boat slips. He is concerned how this will impact the Northshore Harbor area. He asked where people would park their boat trailers.

Reto Barrington - answered that the boat slips will be refurbished and will number 34 compared with 38 by prior ownership. He suggested that residents of the Ponderosa Boat Club would utilize the boat slips.

Harold Glenn – Concerned there will be problems with access and parking. Traffic is already a problem. He does believe it is better to have a residential area there rather than commercial.

Gary Simmons – Asked for a definition for “pavilion”. Is there adequate parking for the pavilion?

Corine Stark – Is there any limit to noise during construction?

Pat Wagner – Concerned about the sewer capacity and the stench caused by over capacity in summer months.

Lee Wight – Wants more information about sewer capacity and possible stench.

Craig Wagner – Asked in the worst-case scenario what would happen if the Bowling alley sells?

Florence Wight – Noted that getting out of Beach Road onto Holt Drive is confusing and dangerous. At least 80% of the people turning onto Beach Road cut inside the turn. This needs to be fixed.

Julie Spencer – Representing the Bigfork Sewer & Water District. This is the exhaust point for the sewer plant. They are concerned they will have complaints from the residents of the complex. She indicated that the Water & Sewer District is having a study done and believes they are reaching capacity. She indicated that expansion was being considered but did not know where this would take place.

Applicant: Parking for the pavilion will be on the perimeter of the buildings and believes it is enough.

Trailers will not be stored on the property. The Ponderosa Boat Club will have boat storage on site. He stated he would be happy to contribute to the solution to the traffic problem. He noted that the two entries to the property are existing problems not created by his development. He believes that a residential complex will reduce traffic in the area. He explained that the pavilion is a staging area for boat launching. The upper area of the pavilion has a washroom and waiting area. It is not for commercial use. As to construction activity, he is not aware of any time limitations but would be happy to work with the neighbors. He will post bond to mitigate any damages from construction and expects about 5 months to complete construction. He explained that any new development must pay hook up fees, which can be used, for enlarging sewer capacity. He does not believe there will be any greater demand on the system than prior use. He noted a deed, which shows that Flathead County controls Parkway Avenue.

Staff – Tracy offered that there were extensive meetings on all the issues of the application. She approves of having parking away from the canal and that the developer must have erosion measures in place during construction.

Committee:

Phil Hanson commented that the proposal is well presented but is concerned about traffic issues.

Tim Calaway – Concerned that the county does not control Parkway. Barrington produced a deed, which showed ownership of Parkway Avenue by the county. He would like to see No Parking signs posted next to the private property adjoining the project. He offered that typically the construction workday is from 7:00 AM to 7:00 PM. He does feel this is an improvement over the prior use.

Jack Paulson – Believes the project is an improvement and can empathize with the parking problems.

Clarice Ryan – Considers the project good use of the land and approves the project.

Phil Hanson made a motion to accept the application as presented. Tim Calaway seconded the motion.

Motion passed unanimously. The Board of Adjustment will review the application on Tuesday, 6:00 PM, on October 4, 20205, at the Earl Bennett Building, Kalispell.

Item 5: A request by Janisse, Richard and Marilyn Baker for Preliminary Plat approval of Subdivision #264, a two lot major subdivision on approximately 10.006 acres. All lots in the subdivision are proposed to have individual water and sewer systems. The property is located at 1085 Swan Horseshoe in Bigfork. Tracy explained that this application should be considered under minor subdivisions but that the new legislation clouded the process.

Applicant: Richard Goacher explained this was a single lot split. The area was not in a flood plain and the second lot will access from a 60-foot easement through the first lot.

Public Comment:

None

Committee:

Phil Hanson passed out copies of a letter received via email from John and Marilyn Slezak in objection to the application. He asked about the concerns of the Slezaks relating to septic problems. Staff explained that the conditions of the application state that the property must have DEQ approval before septic systems can be installed.

Tim Calaway made the motion that the application be accepted as presented. Jack Paulson seconded the motion. Motion passed unanimously. The Planning Board will review the application on Wednesday, October 19, 2005, 6:00 PM, at the Earl Bennett Building in Kalispell.

Chairman Ryan asked that reports from the Steering Committee be submitted at the beginning of the meetings, rather than at the end so more people would be present. She noted that the Steering Committee had scheduled a public meeting on October 11, 2005, at 7:00 PM, at the Bigfork Elementary School Gym and encouraged everyone to attend.

Meeting adjourned at 6:30 PM

Sue Hanson
Secretary